
Appeal Decision

Site visit made on 12 April 2021

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 April 2021

Appeal Ref: APP/K0235/W/20/3264577

Fordhams End, 27 Chapel Lane, Souldrop MK44 1HB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs Marvell against the decision of Bedford Borough Council.
 - The application Ref 20/00167/OUT, dated 24 January 2020, was refused by notice dated 22 June 2020.
 - The development proposed is outline planning application with all matters reserved except access for redevelopment of an area of side garden land for a single residential dwelling (Use Class C3).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal proposal is for outline planning permission with all detailed matters except for access reserved for future approval. Whilst not formally part of the scheme, I have treated any details submitted with the appeal application relating to matters of appearance, landscaping, layout and scale as a guide to how the site might be developed.

Main Issues

3. The main issues are:
 - Whether or not the site represents an appropriate location for housing, having particular regard to the accessibility of local facilities and services and the Council's spatial strategy for development; and
 - The effect upon the character and appearance of the rural area.

Reasons

Access to local facilities and services

4. The National Planning Policy Framework (February 2019) (the Framework) states that, in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and that planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.

5. The Bedford Borough Local Plan (January 2020) (the Local Plan) sets out an overarching strategic framework for ensuring that sufficient new development is delivered in sustainable locations to meet identified needs. The site is, for the most part, located outside of Souldrop's defined Settlement Policy Area (the SPA) and thus within the countryside in local planning policy terms.
6. Policy 7S of the Local Plan relates to development in the countryside and lists situations where development proposals will be permitted. As set out in its supporting text, the policy incorporates sufficient flexibility to support the provision of new homes where they will enhance or maintain the vitality of rural communities and meet identified needs. The circumstances where countryside development will be supported include where proposals are appropriate in line with one of several other listed Local Plan policies, or where, in exceptional circumstances on sites well related to settlements, it can be demonstrated that the proposal accords with various requirements.
7. Even before coming on to consider the proposal's effect in a character and appearance sense (the second identified main issue) it is apparent that the proposal does not fit within the categories of countryside development that are identified for support under Policy 7S. This is not least due to the lack of any identifiable community support for the proposal. Indeed, the parish council has raised objections.
8. The appeal site is situated adjacent to existing development at the edge of an established settlement such that it does not occupy an isolated location in a purely physical sense. Nevertheless, Souldrop contains a limited range of facilities and services that include a public house, a village hall and a church. These tend to be clustered towards the southern end of the village and are not connected to the site via routes consistently served by footway. Thus, future occupiers would have restricted access to facilities and services. Moreover, they would be reliant upon facilities and services located outside of the village in order to serve their full day-to-day needs.
9. I accept that both Sharnbrook and Rushden contain a wide range of facilities and services. Whilst each of these settlements is situated locally, the distances involved would still be unlikely to promote trips being undertaken either on foot or via cycle. This is particularly so when noting that the various routes out of the village are neither pathed nor lit. These constraints similarly apply to the limited retail provisions available at the nearest filling station located upon the A6.
10. I have been made aware of bus services that serve Souldrop and that provide links to various settlements including Bedford and Rushden. However, it is evident that these services are limited and irregular. There is thus significant doubt that future occupiers of the development would be both prepared and conveniently able to depend on bus services to serve their day-to-day needs.
11. An October 2020 appeal decision¹ appears in the evidence before me and relates to Land at Forty Foot Lane, Souldrop. However, that site sits physically separated from the SPA. As the site circumstances are different, the October 2020 decision is of limited relevance to my considerations. A further appeal decision² has been referred to. This relates to the erection of storage units (as

¹ APP/K0235/W/20/3253056

² APP/K0235/W/18/3198888

- opposed to residential development) and would have been issued prior to the Local Plan's adoption. As such, it too is a decision of limited relevance here.
12. The Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and that this should be taken into account in decision-making. Nevertheless, even when acknowledging the site's position to the edge of an established settlement, the proposal would be expected to increase travel by private modes of transportation. This sits uncomfortably alongside the Government's objectives of delivering sustainable development in a planned and coordinated manner.
 13. The proposal would thus cause some limited harm by virtue of the site not representing an appropriate location for housing, having particular regard to the accessibility of local facilities and services and the Council's spatial strategy for development. The proposal conflicts with Policies 2S, 3S, 7S and 53 of the Local Plan in so far as these policies seek to promote convenient access to local services by foot, cycle and public transport and to deliver sustainable development and growth that enhances the vitality of the Borough's urban and rural communities.
 14. For the avoidance of doubt, I do not find conflict with Policy 5S of the Local Plan. Indeed, it is a policy that relates to and supports the principle of development inside Settlement Policy Area boundaries. Whilst Policy 51S of the Local Plan sets out a strategic approach to tackling climate change, it appears to be primarily focussed upon encouraging the delivery of specific adaptation and mitigation measures when proposals are built out. Indeed, locational priorities for new development are governed by other policies contained within the Local Plan. Particularly given that the scheme is at outline stage, I see no clear reason to find conflict with Policy 51S.

Character and appearance

15. The appeal site is comprised of part of the private garden that serves Fordhams End, a dwelling that is located to the northern end of a linear row of properties. I observed the site to contain a variety of domestic features, including ancillary outbuildings, raised beds, cultivated areas and ornamental planting. The site's perimeter, which is often defined by established planting, bounds Chapel Lane (the Lane) to the west and an agricultural field to the east. Being situated to the village's edge, the site's immediate surroundings are often green and rural in their makeup. Even so, examples of built development (including a residential conversion at Cross Weir Barns) exist to the opposite western side of the Lane relative to the site.
16. As set out above, the site is, for the most part, located outside of the SPA. The principles that were used to define SPA boundaries are set out in the Allocations and Designations Local Plan (July 2013) (the ADLP). Whilst the ADLP indicates that gardens to the edge of the main built-up part of a settlement should generally be included in the SPA and follow recognisable physical features where possible, specified circumstances are set out for when exceptions would apply. These exceptions include where the character of the area is considered to have more similarity to open countryside than the built-up area, where the area provides an irregularity to the size and shape of the SPA or where grounds extend considerably beyond the built-up area of a settlement.

17. The site is of noteworthy length when measured on a north-south axis and occupies a prominent position in the Chapel Lane streetscene. Being well-planted to much of its perimeter and clear of any substantial buildings, the site sits comfortably in the context of its often green and rural surroundings. Indeed, notwithstanding the various on-site domestic influences that I have already noted above, the site provides what can be observed as a gentle transition from the built-up area of the village into the open countryside.
18. A new residential dwelling upon the site would be experienced against the backdrop of other built form when entering the village from the north or when approaching the Lane via the public footpath that connects close to the site's northern edge. However, this would not be the case when exiting the village. Indeed, the curved alignment of the Lane promotes that the site forms the focus of a range of available northward views out of the village. Thus, notwithstanding the existence of built development to the Lane's opposite western side, the proposed erection of a dwelling would be anticipated to have an urbanising influence. Indeed, present on-site domestic influences tend to be low-level and often well-filtered by established perimeter planting.
19. Whilst the SPA's delineation (in proximity to the site's southern edge) does not appear to reflect the position or alignment of any definitive feature in place on the ground, I do not accept that it has been drawn illogically or without justification. Indeed, the garden area in question extends a not insignificant distance alongside the Lane and has attributes that promote it being read and experienced as the commencement of the countryside when exiting the village. This is notwithstanding that the site is well enclosed and contains outbuildings and areas of hardstanding.
20. Even though the proposal would continue the linear pattern of development that is in place to the Lane's eastern side, for the above reasons, the proposal would cause a moderate degree of harm to the character and appearance of the rural area. The proposal conflicts with Policies 7S and 28S of the Local Plan in so far as these policies set out that all development in the countryside must recognise the intrinsic character and beauty of the countryside and require that development proposals will have a positive relationship with the surrounding area.

Planning Balance

21. The proposal would deliver an additional unit of residential accommodation and the Framework reaffirms the Government's objectives of significantly boosting the supply of homes. However, whilst Policy 4S of the Local Plan sets out the minimum amount of new dwellings required and it is also my understanding that the Council is currently in the process of reviewing the Local Plan, a single additional dwelling would not make a clear and noticeable difference to the overall housing land supply position in the Borough. I afford the benefit of an additional housing unit limited weight.
22. The proposal would also provide jobs and future investment in the local economy once occupied. Indeed, there would be the potential for existing local facilities and services to be supported within Souldrop and elsewhere. However, given the scale of development under consideration, I afford these benefits limited weight.

23. The proposal would make effective use of land that currently forms part of a residential curtilage and extends beyond the built-up area of the village. In this sense, the scheme would utilise previously developed land. Nevertheless, given that the site is of fairly modest expanse and located to the periphery of a rural settlement, I afford this benefit relatively limited weight.
24. The proposal would be expected to deliver biodiversity enhancements through the provision of new native planting and additional measures such as boxes for birds, bats and invertebrates. However, given the constrained nature/size of the site, such benefits would realistically be expected to be minimal and attract commensurate weight in the planning balance.
25. Whilst the proposal would deliver a small amount of growth in the interests of enhancing or maintaining rural communities, it would do so in conflict with the Council's spatial strategy for development in a location that would cause a meaningful degree of harm (when considered in cumulative terms) by virtue of the site's limited accessibility to local facilities and services and the proposal's urbanising effect upon the character and appearance of the rural area. The scheme's benefits would be relatively modest when considered cumulatively and would not outweigh the harms and associated policy conflicts that I have identified.
26. The proposal conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conclusion

27. For the reasons set out above, the appeal is dismissed.

Andrew Smith

INSPECTOR